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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PU020462		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/36332	International filing date (day/month/year) 13 November 2003 (13.11.2003)	Priority date (day/month/year) 15 November 2002 (15.11.2002)	
International Patent Classification (IPC) or national classification and IPC IPC(7): H04B 1/18 and US Cl.: 725/35,144,151; 340/601; 342/26R,26; 702/3; 455/186.1,161.1,161.3,166.1,166.2			
Applicant THOMSON LICENSING S.A.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>7</u> sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 15 June 2004 (15.06.2004)		Date of completion of this report 22 March 2005 (22.03.2005)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer Chris Grant <i>Ruggerio Zozan</i> Telephone No. (703) 305-4300	

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description:
pages 1-21 as originally filed
pages none, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages NONE, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages 22/1-24/1, 25, filed with the letter of 26 October 2004 (26.10.2004)
- ☒ the drawings:
pages 1-21, as originally filed
pages none, filed with the demand
pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)

Claims 1-32 YES
Claims NONE NO

Inventive Step (IS)

Claims NONE YES
Claims 1-32 NO

Industrial Applicability (IA)

Claims 1-32 YES
Claims NONE NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

V. 2. Citations and Explanations:

Claims 1-32 lack an inventive step under PCT Article 33(3) as being obvious over Gropper ('999 Patent) in view of Gropper ('767 Patent).

Referring to claim 1, Gropper ('999 patent) discloses automatically tuning a plurality of frequency channels associated with said emergency alert function to identify one of said frequency channels having a signal strength relative to said other frequency channels (see Column 6, Lines 65-67 and Column 7, Lines 1-12).

Gropper ('999 patent) also discloses using said identified frequency to receive emergency alert signals capable of activating said emergency alert function (see Column 7, Lines 29-43).

Although Gropper ('999 patent) discloses performing a test of the channel (see Column 2, Lines 43-54), Gropper ('999 patent) fails to disclose that the test is performed with said identified frequency channel, wherein said test includes determining whether said identified frequency channel receives a user selected location code associated with said emergency alert function within a predetermined time period.

Gropper ('767 patent) discloses this limitation at Column 3, Lines 23-35.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the emergency alert receiver of Gropper ('999 patent), using the location code, as taught by Gropper ('767 patent), for the purpose of providing an efficient method for interfacing the decoded messages to the Internet (see Column 2, Lines 5-9 of Gropper ('767 patent)).

Referring to claim 2, Gropper ('999 patent) discloses performing a test with said identified frequency channel (see Column 2, Lines 43-54 for testing the channel for a proper signal strength).

Gropper ('999 patent) also discloses providing an output message responsive to said identified frequency channel failing said test (see again Column 2, Lines 43-54 for when a signal strength is low, the device switches to another frequency and is therefor outputting data from a different channel and therefore, one of the channel indication LEDs (see elements 8a-8g in Figure 1 and Column 4, Line 3) will be lit instead of the channel that had been switched because of a low signal strength).

Referring to claim 3, Gropper ('999 patent) discloses that the test includes measuring signal strength on said identified frequency channel (see Column 2, Lines 43-54).

Referring to claim 4, Gropper ('999 patent and '767 patent) discloses that the test includes determining whether said identified frequency channel receives a user selected location code associated with said emergency alert function (see Column 8, Lines 31-53).

Referring to claim 5, Gropper ('999 patent and '767 patent) discloses enabling a user to modify an existing location code associated with said emergency alert function (see Column 8, Lines 31-53).

Referring to claim 6, Gropper ('999 patent and '767 patent) discloses enabling a user to add a new location code associated with said emergency alert function (see Column 8, Lines 31-53).

Referring to claims 7-8, see the rejection of claims 5-6 and note that the digital code can also be programmed for a tornado warning as well as the specific county.

Referring to claim 9, Gropper ('999 patent and '767 patent) discloses providing an alert output responsive to activation of said emergency alert function (see Column 8, Lines 31-53).

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Gropper ('999 patent and '767 patent) also discloses storing information associated with said alert output (see Column 7, Lines 36-38).

Gropper ('999 patent and '767 patent) also discloses enabling a user to access said information (see Column 7, Lines 42-43).

Referring to claim 10, Gropper ('999 patent) discloses enabling a user to replay said alert output (see Column 7, lines 42-43).

Referring to claims 11-12, see the lack of novelty of claim 1. Also note that Gropper ('767 patent) discloses the use of a FIPS location code (see Column 3, Lines 30-31).

Referring to claims 13-21, see the lack of novelty of claims 2-10, respectively.

Referring to claims 22-23, see the lack of novelty of claim 1.

Referring to claims 24-32, see the lack of novelty of claims 2-10, respectively.

Claims 1-32 have industrial applicability under PCT Article 33(4) because the weather alert system can be used in the weather emergency notification industry.

----- NEW CITATIONS -----

US 6,323,767 B1 (GROPPER) 27 November 2001, see Column 3, Lines 22-35